

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

LISA BOSS, LINDA GUNNETT, and PEGGY
TATUM, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

THE KRAFT HEINZ COMPANY and
KRAFT HEINZ FOODS COMPANY (LLC),

Defendants.

Case No. 1:21-cv-06380

The Honorable Charles R. Norgle Sr.

**THE KRAFT HEINZ COMPANY’S REQUEST FOR JUDICIAL NOTICE
IN SUPPORT OF MOTION TO DISMISS PLAINTIFFS’ CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Evidence 201, Defendant The Kraft Heinz Company respectfully requests that the Court take judicial notice of a document published by the U.S. Department of Agriculture’s Technical Advisory Panel in April 2003 titled “Summary of TAP Reviewer’s Analyses,” which is available on the USDA’s website¹ and which is attached as **Exhibit 1**.

In ruling on a motion to dismiss, “a court may consider, in addition to the allegations set forth in the complaint itself . . . information that is properly subject to judicial notice.” *Williamson v. Curran*, 714 F.3d 432, 436 (7th Cir. 2013) (citations omitted). It is well-established that “[d]istrict courts can take judicial notice of information on government websites.” *Bartnett v. Abbott Labs.*, 492 F. Supp. 3d 787, 798 n.2 (N.D. Ill. 2020) (citing *Denius v. Dunlap*, 330 F.3d 919, 926-27 (7th Cir. 2003)); *see also, e.g., Pickett v. Sheridan Health Care Ctr.*, 664 F.3d 632,

¹ See <https://www.ams.usda.gov/sites/default/files/media/L-Malic%20Acid%20TR.pdf> (last visited Mar. 21, 2022).

648 (7th Cir. 2011) (“We have recognized the authority of a court to take judicial notice of government websites.”); *Koger v. Dart*, 114 F. Supp. 3d 572, 584 n.3 (N.D. Ill. 2015) (noting that the proper subjects of judicial notice “include[] information contained on government websites”). This Court should accordingly take judicial notice of Exhibit 1, which consists of a document issued by the USDA and published on its website.

Dated: March 22, 2022

Respectfully submitted,

By: /s/ Dean N. Panos
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was filed on March 22, 2022 with the Clerk of the Court by using the CM/ECF system, which will effect electronic service on all parties and attorneys registered to receive notifications via the CM/ECF system.

Dated: March 22, 2022

By: /s/ Dean N. Panos
Dean N. Panos